

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Joshua E. Collins,	:	Case No. 1:17-cv-48
	:	
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	
Warden, Richland	:	Order Adopting Report and
Correctional Institute,	:	Recommendation
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's July 1, 2025 Report and Recommendation ("R & R") recommending Petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2254 be dismissed as moot. On June 26, 2025, Petitioner's mother filed a notice of suggestion of Petitioner's death, informing the Court that Petitioner has died. (Doc. 45.) A federal court does not have jurisdiction to consider a petition for a writ of habeas corpus following the death of the petitioner. *See, e.g., Rosa v. Rewerts*, No. 1:-18-cv-940, 2020 WL 132374 (W.D. Mich. Jan 13, 2020); *Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003). Because Petitioner has died, the Magistrate Judge recommended that the petition for writ of habeas corpus be dismissed as moot.

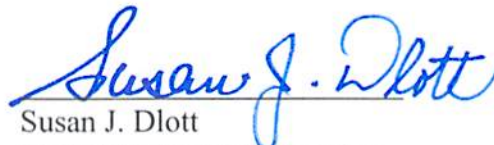
Title 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure Rule 72(b)(1) authorize magistrate judges to make recommendations concerning dispositive motions that have been referred to them. Parties then have fourteen days to file and serve specific written objections to the report and recommendations. 28 U.S.C. 636(b)(1); Fed. R. Civ. P. 72(b)(2). If a party files objections to a report and recommendation on a dispositive matter, a district judge must review the objections under the *de novo* standard. *Baker v. Peterson*, 67 F. App'x 308, 310

(6th Cir. 2003). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1) (substantially similar).

No objections have been filed to the Magistrate Judge’s R&R recommending dismissal of this action due to death of the Petitioner. The Court finds the R&R to be well-taken. The Court **ADOPTS** the R&R (Doc. 46) and dismisses this action from the docket of this Court.

IT IS SO ORDERED.

BY THE COURT:


Susan J. Dlott
United States District Judge